

**MEETING MINUTES
CITY OF MILPITAS**

Minutes of: City Council Rules Committee
Date: Friday, March 27, 2009
Time: 5:30 PM
Location: Committee Room, Milpitas City Hall,
455 E. Calaveras Blvd., Milpitas

I. ROLL CALL

PRESENT: Vice Mayor McHugh
ABSENT: Councilmember Gomez. He arrived at 5:38 PM.

STAFF: City Attorney Mike Ogaz
City Clerk Mary Lavelle
Information Services Director Bill Marion
City Engineer Greg Armendariz

No members of the public were in attendance.

CALL TO ORDER

II. APPROVAL OF AGENDA - only one member of the Committee was present

III. PUBLIC FORUM - None

IV. DISCUSSION ITEMS

1. Facilities Naming topics - none
2. Open Government – City Attorney Ogaz presented a list of four issues that the City Council requested be reviewed by the Committee, before returning to Council with the ordinance amendments.

First, the Subcommittee agreed to maintain the requirement to post monthly calendar entries in an online format. Mr. Marion explained the technical way that could be accomplished online and displayed on the City's website. It was clarified that the calendar would not contain any social or personal events, and that Councilmembers would not need to provide any paper copy of their calendars to the City Clerk.

Second, regarding the tally of petitions for public records, the City Attorney asked the City Clerk to provide her experience with this requirement. City Clerk Lavelle reported that she had routinely maintained a general listing, in a folder in her office, of public records act requests for documents, and that there were only about a dozen or so, in each of the last four years. No one had requested the "tally and report" since the adoption of the Open Government ordinance. Committee members were satisfied that this information was available from the City Clerk, and that she could report, upon request, to the City Council. The City Attorney agreed to delete this section of the ordinance, in the amended ordinance.

Third, with regard to the Index of Records required in the ordinance, the City Attorney presented information about the existing Records Retention Schedule which provided a detailed listing of records by department and the length of time that those were to be stored. However, it was a document in need of updating. The City Clerk reported the existing Index was approved by City Council in 1995. Additionally, the City Attorney reported it would be time consuming and

difficult to continuously maintain such an Index, to include all records from all departments throughout the City. He reported that the public was assisted ably by knowledgeable city staff at the counter, or over the phone presently. The Subcommittee agreed to delete this requirement from the open government ordinance, with the direction that the City Attorney and City Clerk must work together this year to update the Records Retention Schedule.

Fourth, the requirement for an annual report on sole source contracts can be easily met as required, since the City's Purchasing Agent already maintains such a list and can report to City Council this information on an annual basis. The requirement will remain in the ordinance.

Lastly, the City Attorney requested to consider a change to one section of the ordinance, on maintaining the City website. All records of the City most likely could not go onto the website, according to the Information Services Director, so City Attorney Ogaz provided alternate language to include in the ordinance, noting City staff would post records on the internet "to the extent it is practical to do so." Subcommittee members agreed to this language. Vice Mayor McHugh asked that staff place on the website a statement about where to locate available records at the City, such as plans and reports.

3. City Council meeting agenda review

- Review of preliminary agenda for April 7, 2009: City Clerk Lavelle distributed the Preliminary Agenda for the next City Council meeting. Committee members inquired about a few of the agenda items, and staff responded.
- Receive Tentative Agenda list for April 21, 2009: City Clerk distributed the one page checklist of items for that date.

VI. ADJOURNMENT - concluded at 6:35 PM.

The next scheduled meeting date was Friday, April 10, 2009 at 4:00 PM.

Minutes submitted by
Mary Lavelle, City Clerk